

**Attachment 7 Fees and Payments**

1. **Government-wide Acquisition Contract (GWAC) fees.** The Enterprise Agreement (EA) unit prices include any applicable GWAC fees, such as the GSA Industrial Funding Fee or the NASA Solutions for Enterprise-wide Procurement fees. The contractor shall be responsible for all required filings to the GWAC holder and for payment of the fees in accordance with applicable GWAC holder instructions.
2. **Acquisition, Contracting, and Technical (ACT) Fee.** The cost of awarding, administering and managing this BPA is included in the prices for all products and/or services offered under this BPA.

The ACT fee is 1% and is assessed on all sales executed against the EA, including, but not limited to: all software license types, software subscriptions, software maintenance as a product, software maintenance as a service, purchase of new hardware equipment, maintenance of equipment, repair services or spare parts, cloud computing services, continuous diagnostics and mitigation tools, training courses and information technology professional services.

Consistent with reporting and fee requirements delineated under GSA Clause 552.238-74, Industrial Funding Fee and Sales Reporting, the ACT does not apply to Open Market items as defined in FAR 8.402.(f).

3. **Remittance of Fees.** Payment is due thirty (30) days following approval of the Report of Sales for the completed quarter or as otherwise requested by the Procurement Contracting Office (PCO) or Software Product Manager (SPM). ACT fees that have not been paid within the prescribed thirty (30) days shall be considered a debt to the United States Government under the terms of FAR 32.6. The Government may exercise all its rights under the contract, including withholding or setting off payments and interest on the debt (see contract FAR clause 52.232-17, Interest). Failure of the Contractor to pay the ACT Fee in a timely manner may result in termination of the EA.
4. **Fee Transmittal.** The Contractor shall remit the 1% ACT fee in accordance with the report of sales instructions. Fee checks shall not be issued until written approval is received for the Report of Sales. The SPM or each Military Service or Agency participating in the management of a DoD EA will provide instructions for remittance of ACT fees collected by the Contractor. Provided below is an example of the Department of Navy instructions for fee submission:

The contractor shall remit ACT Fee to the address provided below by corporate or cashier's check made payable to "Treasurer of the United States". A transmittal letter is not required with submission of Navy fee checks.

**EA (*fill in applicable #*)**

**Department of Defense Enterprise Software Initiative (DoD ESI) Agreement ACT Fee**

For US Postal Service mail or USPS Express Mail, send check to:  
NIWC Pacific  
Attn: Brett Evenstad  
Code 55350, Bldg. 81  
55360 Hull Street  
San Diego, CA 92152-5001

## Fees and Payments

For Federal Express, United Parcel Service, DHL or Other Courier Services, send check to:  
NIWC Pacific  
Shipping and Receiving  
Receiving Officer (OT 7)  
Attn: Brett Evenstad  
Code 55350, Bldg. 81  
4297 Pacific Hwy.  
San Diego, CA 92110

Email a copy of the ACT Fee remittance check to the Government Points of Contact found in Attachment 4 -Ordering Guide of this Agreement.